

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

CIVIL ACTION NUMBER: 05-40032/2: 54

U.S. DISTRICT COURT
DISTRICT OF MASS

CARLOS FERREIRA,
Plaintiff
v.
TOLL BROTHERS, INC.,
Defendant

ANSWER AND JURY CLAIM OF
DEFENDANT TOLL BROTHERS, INC.

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2.
3. In response to the second paragraph designated "2", Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations thereof.
4. In response to Paragraph 4, Defendant Toll Brothers, Inc. admits that it has a place of business at 250 Gibraltar Road, Horsham, PA, but otherwise denies the allegations of Paragraph 3.
5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

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6. Defendant denies the allegations of Paragraph 5.

7. Defendant denies the allegations of Paragraph 6.

As to Count I:

8. In response to Paragraph 7, Defendant incorporates by reference its responses to Paragraphs 1 through 6.

9. Defendant denies the allegations of Paragraph 8.

10. Defendant denies the allegations of Paragraph 9.

First Defense:

11. This court lacks personal jurisdiction over the Defendant Toll Brothers, Inc.

Second Defense:

12. The injury and damage complained of by the Plaintiff were caused by his own negligence, which was greater than any negligence on the part of the Defendant.

Third Defense:

13. The injury and damage complained of by the Plaintiff were caused by the acts or omissions of a person or entity for which the Defendant is not legally responsible.

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Fourth Defense:

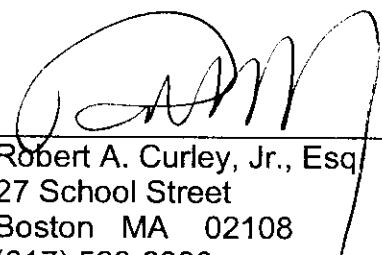
14. Plaintiff has not waived and/or is estopped from asserting the claims set forth in the Complaint.

Fifth Defense:

15. Plaintiff is barred from any recovery to the extent that he has unreasonably failed to mitigate his damages.

DEFENDANT CLAIMS A TRIAL BY JURY.

TOLL BROTHERS., INC.
By its Attorneys,
CURLEY & CURLEY P.C.




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CERTIFICATE OF SERVICE

I, Robert A. Curley, Jr., hereby certify that I served a true and correct copy of the foregoing pleading by mailing a copy postage prepaid to the following counsel of record:

Thomas M. Bond, Esq.
The Kaplan/Bond Group
88 Black Falcon Avenue, Suite 301
Boston MA 02210

Dated: 3/29/05



Robert A. Curley, Jr., Esq.
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